PART XIII.—SETTLEMENT AND DEMARCATION.

1. The system of forest settlement adopted in the Bombay Presidency is as follows :—

(*a*) The settlement work is carried on chiefly by special officers belonging to the Civil Service, who are relieved of all other duties and are deputed upon forest settlement work alone.

(*b*) In a few cases the Assistant or Deputy Collector in revenue charge of a táluka is Forest Settlement Officer in respect of that táluka and performs the forest settlement work in addition to his ordinary revenue and magisterial duties.

(*c*) The Collector of the District is generally appointed under Section 16 of the Indian Forest Act, No. VII of 1878, to hear appeals from such orders as the Forest Settlement Officer in his Collectorate may pass under Sections 10, 11, 14 or 15 of the Act.

(*d*) In Collectorates in which forest reservations have not been completed, the Forest Settlement Officer, who is invariably in such cases an Assistant Collector, is appointed Demarcation as well as Settlement Officer, and it then becomes his duty to arrange, in personal communication with the Forest Officer in charge of the District, what lands are required to be finally maintained as forests under the Forest Act ; each táluka of a Collectorate is taken up in turn and demarcated, and in this manner complete selections of lands for forests are made. Lists of these lands are prepared and the latter are entered upon the map of the táluka in distinguishing colours and a report containing among other matters the recommendations of the Demarcation Officer, made in his executive capacity, as to the privileges which may be allowed in the lands when they have been constituted forests, is drawn up. These documents are then submitted to the Collector of the district by the Demarcation Officer. If any settlement work has been completed the results are embodied in the demarcation report, which in that case becomes a demarcation and settlement report. The Collector criticises the proposals and records his opinion, and the papers then pass to the Conservator of Forests of the Division, who attaches his remarks and transmits all the documents to the Commissioner of the Division. The Commissioner after recording his views submits the papers to Government for final orders.

The demarcation lists comprise :—

(1) Lands already forest.
(2) Government waste land.
(3) Occupied lands or alienated lands which are to be acquired.

The Forest Demarcation and Settlement Officer is invested by Government with special powers for the acquisition of occupied lands. Some of these lands are purchased by payment of such

compensation as the Demarcation Officer and the occupant may jointly agree to. Others are obtained by exchange, waste lands being given in their place, and sometimes the Demarcation Officer remits, for one, two or three years, the assessment upon the new lands to be given in exchange for the occupied lands to be included in forests.

(G. L. to the Government of Madras, No. 3150, dated 23rd April 1883.)

2. There is no objection to a Forest Settlement Officer being also a Forest Demarcation Officer. A Forest Demarcation Officer is not invested, as such, with any powers under the Forest Act and he does not, therefore, hold a "forest office." Moreover, Section 4 of the Act does not absolutely prohibit the appointment of a person holding a forest office to be Forest Settlement Officer. It merely directs that such an appointment shall not "ordinarily" be made. (L. R. No. 222, dated 16th February 1889; *vide* G. R. No. 1125, dated 23rd idem.)

3. It seems inexpedient, and not in accordance with the spirit of the Act, that a Divisional Forest Officer should be appointed Forest Settlement and Demarcation Officer. (G. R. No. 4157, dated 28th June 1882.)

4. It is, as a rule, desirable that the forest demarcation of a táluka or a district should be effected by an Assistant Collector, who should, however, act in consultation with the Divisional Forest Officer, and it is essential that the forest settlement should be performed by an Assistant Collector, and not by an officer of the Forest Department. (G. R. No. 5907, dated 22nd July 1884.)

5. It is essential that the Forest Settlement Officer should, when preparing his demarcation scheme, work in consultation with the Divisional Forest Officer. (G. R., No. 17, dated 4th January 1889.)

6. Forest Settlement Officers should submit their diaries to the Conservator of Forests in charge of the division in which they are employed. (G. R. No. 4072, dated 30th May 1883.)

7. The Forest Settlement Officer, Thána, must reside during the monsoon at the head-quarter station of his district. (G. R., F. D., No. 4214, dated 4th December 1891, and G. R. No. 9893, dated 16th December 1892.)

8. Neither Forest Settlement Officers nor their establishments are under the control of the Conservator, but as he is responsible for expenditure debited to the head of Forests he should countersign the salary and travelling allowance bills of the establishments of Forest Settlement Officers. As these establishments are not subordinate to the Divisional Forest Officers, the Forest Code does not require the bills to be submitted through these officers. (G. R. No. 4918, dated 19th May 1885.)

9. However valuable and useful the suggestions and advice of the Forest Settlement Officer may be, both to the Forest Department and to the District authorities, in connection with the administration of forest lands, it is not constitutionally any part of that officer's duties to submit to the executive authorities official recommendations which relate to the executive management of forests. His position, in proceedings affecting reservation under the Forest Act, is solely that of a judge. In this capacity he has the power to determine the rights of the State and of the people in certain forest areas, to provide for the exercise of adverse rights, to regulate them, or to extinguish them; and the Government of India, would prefer, both for administrative and financial reasons, that the official action of Forest Settlement Officers should be confined to performance of these duties. (G. I., R. & A., No. 651-F., dated 6th June 1891; *vide* G. R. No. 4560, dated 6th July 1891.)

10. A declaration under Section 34 does not affect rights of *Government* or *private persons* which have previously been settled in a manner which Government think sufficient. It follows that where rights have either been admitted or *rejected in favour of Government* in such manner, the enquiry is not to be re-opened.

Under Section 28, rights enquired into and recorded at a survey or settlement are sufficiently enquired into for the purposes of the Act.

The Forest Settlement Officer is concerned with a settlement of rights, and is not otherwise called upon to decide what lands shall be included or excluded, but he has to do with the exchange of lands.

The Collectors and their Assistants in charge of tálukas are to the utmost of their powers to co-operate with the Forest Settlement Officer so as to facilitate the progress of his settlements and prevent undesirable delay in their completion.

(G. R. No. 4576, dated 30th August 1879.)

11. A Forest Settlement Officer in his award of settlement is not required to make any record of *privileges*. The Settlement Officer has simply to record in his award column against the different forest numbers, *rights*, their nature and extent, where rights exist, and to record "free of rights" where no rights exist.

(2). A Forest Settlement Officer is not to record that certain forest lands should be expunged and that others are available for exchange. This is the work of a Forest Demarcation Officer, and not of a Forest Settlement Officer as defined by the Forest Act.

(3). The powers and duties of a Forest Settlement Officer, as defined by the Act, are briefly as follows:—

The "Forest Settlement Officer" (*vide* Section 4 *c*) is appointed to enquire into and determine the existence, nature, and extent of any "*rights*" alleged to exist in favour of any person in or over any land

comprised within the proposed forest limits, or in or over any forest produce, and to deal with the same as provided by the Act.

The Settlement Officer is required (Section 7) to take down in writing any statements of claims of "*rights*" made under Section 6, and to enquire into all claims duly preferred under that section, and the existence of any "*rights*" mentioned in Sections 4 and 5, so far as may be ascertainable from the records of Government, and the evidence of any persons likely to be acquainted with the same.

In the case of a claim* to a "*right*" in or over any land other than a right, if any, of (way or) pasture, or to forest produce or a water-course, the Forest Settlement Officer shall (*vide* Section 10) pass an order admitting or rejecting the same in whole or part.

If such claim be admitted in whole or in part, the Forest Settlement Officer shall either

(1) exclude such land from the limits of the proposed forest, or

(2) come to an agreement with the owner thereof for the surrender of his rights, or

(3) proceed to acquire such land in the manner provided by the Land Acquisition Act.

The Forest Settlement Officer is deemed to be a Collector proceeding under the Land Acquisition Act (*vide* Section 10*a*), and he may, with the consent of the claimant, or the Court may, with the consent of both parties, award compensation in land or partly in land and partly in money (Section 10*d*).

In the case of a claim to "*rights*" of pasture or to forest produce, the Forest Settlement Officer shall pass an order admitting or rejecting the same in whole or in part (Section 11).

The Forest Settlement Officer, when passing any order under Section 11, shall record (Section 12), so far as may be practicable,

(*a*) the name, father's name, caste, residence, and occupation of the person claiming the right;

(*b*) the designation, position and area of all fields or groups of fields (if any), and the designation and position of all buildings (if any) in respect of which the exercise of such rights is claimed.

If the Forest Settlement Officer admits, in whole or in part, any claim under Section 11, he shall (*vide* Section 13) record the extent to which the claim is so admitted specifying the number and description of the cattle, which the claimant is from time to time entitled to graze in the forest, the season during which such pasture is permitted, the quantity of timber and other forest produce which he is from time to time authorized to take or receive, or such other particulars as the case may require. He should also record whether the timber or other forest

* As regards a claim relating to the practice of shifting cultivation, *vide* Section 9A inserted by Act V of 1890.

produce, obtained by the exercise of the rights claimed, may be sold or bartered.

After making such record, the Forest Settlement Officer shall (*vide* Section 14) to the best of his ability, and having due regard to the maintenance of the reserved forest in respect of which the claim is made, pass such orders as will ensure the continued exercise of the "*rights*" so admitted. For this purpose the Forest Settlement Officer may

(*a*) set out some other forest tract of sufficient extent and in a locality reasonably convenient for the purposes of such claimants, and record an order conferring upon them the right of pasture or to forest produce, as the case may be, to the extent so admitted; or

(*b*) so alter the limits of the proposed forest as to exclude forest land of sufficient extent, and in a locality reasonably convenient for the purposes of the claimants; or

(*c*) record an order, continuing to such claimants a right of pasture or to forest produce (as the case may be) to the extent so admitted, at such seasons, within such portions of the proposed forest, and under such rules, as may from time to time be prescribed by the Local Government.

In case the Forest Settlement Officer finds it impossible, having due regard to the maintenance of the reserved forest, to make such settlement under Section 14 as shall ensure the continued exercise of the said *rights* to the extent so admitted, he shall (*vide* Section 15), subject to such rules as the Local Government may from time to time prescribe in this behalf, commute such rights, either by payment to such persons of a sum of money in lieu thereof, or by the grant of land, or in such other manner as he thinks fit.

(4). Lands handed over to forests under former demarcations should *not* come within the cognizance of the Forest Settlement Officer, for the reason that all claims connected with them have already been enquired into, settled, and recorded, and this settlement has been approved of and sanctioned by Government, and has been in observance for years. Should the Forest Settlement Officer have reason to suspect that in any instance the previous enquiry was insufficient, he may report the case for the special orders of Government as to whether a detailed enquiry is to be made under the Act.

(5). Although under Sections 10, 14 (*a*), (*b*), and 15 a Forest Settlement Officer is empowered to exclude proposed forest lands which may be burdened with rights, to give some forest tracts as compensation for rights that were attaching to other forest tracts retained in reserved forests, to alter the limits of *proposed* forest, so as to exclude forest land from the exercise of rights, he has no power to throw out any portion of declared reserved forest previously

settled—land indeed which has not been by law subjected to his operations or control in this respect. Section 26 of the Act prescribes the procedure to be observed when any forest, or any portion of it, is desired to be removed from reservation, and the Forest Settlement Officer's duties have no connection with this work. (G. R. No. 4919, dated 15th September 1879.)

12. It is the duty of the Forest Settlement Officer to enquire into the existence of rights of way as well as any other rights even if they are not claimed, and necessarily to define in his proceedings whether they are public or private, high roads, cart tracks or bye-paths. No right of way thus defined and admitted can be afterwards stopped without the previous sanction of the Local Government and until a reasonably convenient substitute has been provided. The provisions of the Act are most distinct and careful, and His Excellency in Council desires that they may be most strictly followed by all officers concerned in forest settlement and management. Any vexatious and illegal interference with forest rights or rights of way in forests will be visited with the severest displeasure of Government. (G. R. No. 3112, dated 31st May 1881.)

13. Under Section 4 (*c*) the Forest Settlement Officer is to enquire into "any rights alleged to exist in favour of any person in or over any land." Sections 10—15 lay down how he is to deal with other rights in or over land than a right of way, which he is apparently to leave unchanged after it has been admitted and which will remain unchanged, unless the Forest Settlement Officer takes measures under Section 24 to stop it. With reference to this section, it should be observed that the Forest Officer has no power to stop any public or private right of way or water-course in a reserved forest without previous sanction and until a substitute deemed reasonably convenient by the Local Government has been provided. (G. R. No. 3284, dated 8th June 1881.)

14. The object of the appointment of a Forest Settlement Officer is that after a fixed date all rights not asserted before him or otherwise brought to his knowledge may be *extinguished*. The rights of private parties cannot be exhaustively ascertained and recorded without proceedings of this kind, which are not held by the Survey Officers. The Forest Settlement Officer may have to deal with private lands which have been included in notifications (Section 10), and as to claims to pasture and forest produce, has to make a record of rights and pass orders. Forest rights cannot be considered settled until he has finished his work. Enquiries made by the Survey Officers are not sufficient in the sense of Section 34, Clause 2, of the Indian Forest Act, 1878. (G. Rs. Nos. 3329, dated 24th June 1879, 3567, dated 7th July 1879, and 7840, dated 9th November 1882.)

15. As regards privileges, a Forest Settlement Officer may make such recommendations as the circumstances seem to him to justify or necessitate, but the question of privileges must be kept entirely separate from that of rights, and no rights should be admitted except those which are satisfactorily established. It cannot be allowed that the fact that certain rights have been proved or admitted in certain tálukas furnishes of itself sufficient evidence or authority to warrant a Forest Settlement Officer in ruling that those rights must be granted in other tálukas. The Forest Settlement Officer is required in each case to take the facts as he finds them and to admit rights only where he finds their existence proved. He cannot admit rights in one táluka simply because they have been admitted in another. (G. R. No. 2051, dated 12th March 1883.)

16. Right of way and right to a water-course are included in the rights referred to in Section 9 of the Indian Forest Act.

(2). The Forest Settlement Officer is appointed to inquire into and determine the existence, nature and extent of any rights alleged to exist in favour of any person in or over any land comprised within the specified limits of the proposed forest, and to deal with the same as provided in Chapter II. He has, therefore, two principal duties to attend to: first, to make a proper inquiry; and, secondly, to dispose of the claims in accordance with the provision of the said chapter.

(3). His enquiry is to be made not only into all claims duly preferred, but he is to search for the *existence* of any rights which are not claimed by examining Government records, taking the evidence of persons likely to be acquainted with any such rights, and personally surveying and mapping out the proposed forest.

(4). The rights so contemplated are classed as follows:—

(1) Right of pasture.
(2) Right to forest produce.
(3) Right of way.
(4). Right to water-courses.
(5) All other rights in or over any land.

Section 10 provides how the Forest Settlement Officer shall deal with the last class of rights.

Sections 11, 12, 13, 14 and 15 provide how the Forest Settlement Officer shall deal with the first and second classes of rights.

The third and fourth classes relate to certain incorporeal hereditaments or easements attaching to the land which is the property of Government. It is obvious that when once after due inquiry a claim to any such right is admitted, or when once the existence of any such right is discovered, the fact of the right is sufficiently established.

(5). Where no claims are preferred in respect of these rights, it is undoubtedly the duty of the Forest

Settlement Officer not to overlook their existence and not to neglect to make every possible enquiry to ascertain whether any such rights do exist. It depends on the Forest Settlement Officer to prevent any hardship occurring to villagers living near proposed forests in respect to the use of public pathways or of water-courses in the forests; and it is not likely that any such rights, where they are clearly defined and ascertainable, will become extinct through the operation of Section 9. Any right of this description which is so obscure as not to be claimed at the proper time, or to come to knowledge after careful search has been made, cannot be of much worth.

(6). It is clearly the intention of the Legislature that all existing rights of way or to water-courses should be carefully ascertained and preserved intact, unless it is found convenient to stop such ways or water-courses and substitute others for them, as provided by Section 24.

(7). Any person who shall enter a forest except by such public or private way will be a trespasser. An unlawful entry on another's land is a trespass; but it is not an offence punishable under the Penal Code, which only contemplates the offence called "criminal trespass," *i. e.*, trespass with intent to commit an offence or to annoy the person in possession. But unlawful entry on a reserved forest is a forest offence punishable under the Forest Act, 1878. (L. R. No. 565, dated 9th May 1881; *vide* G. R. No. 3112, dated 31st idem.)

17. As regards enquiries by Forest Settlement Officers into rights, it is sufficient if full and clear notice is given as required by the Forest Act. It is no part of the duty of these officers to hunt up imaginary claims for decision or to put up people to making claims they never have dreamt of. As a British officer the Forest Settlement Officer will of course take care that no stupid, ignorant man is injured by his claims not being considered, but beyond this he is not required to go. (G. R. No. 409, dated 17th January 1883.)

18. District Officers should consider it to be their duty to bring to the notice of Forest Settlement Officers the existence of any rights likely to be overlooked. (G. R. No. 9305, dated 24th November 1884.)

19. Grazing *grants* recorded by the Survey can at any time be dealt with under Section 38 of the Land Revenue Code, but *grazing rights* imply that the Survey records rights which it found to be in existence, and if the Forest Settlement Officer has placed them on record, neither the Survey nor the Commissioner could touch them. (G. R. No. 4474, dated 15th July 1887.)

20. The remarks made by the Commissioner, S. D., in the following extract 5 of his memorandum No. 2191, dated 6th July 1892, in connection with

the Forest Demarcation and Settlement Report of the Khánápur Táluka of the Belgaum District were concurred in by Government:—

"5. Mr. Gray has found no rights to exist except those 'over all existing paths through the forests.' The Acting Conservator of Forests objects to this form of settlement. He supports the Divisional Forest Officer's proposal that rights should be recognized in respect of those paths only which are marked on the village maps. This is objected to by the Collector, and the Commissioner thinks rightly. It is not disputed that the survey village maps do not record 'all existing paths.' If the Forest Department finds that the use by the public or an individual of any particular paths through the forests is injurious to forest conservancy, it can take action under Section 24 of the Forest Act. The Commissioner is, therefore, of opinion that Mr. Gray's settlement should not be limited in its scope as proposed by the Forest Authorities."

(G. R. No. 6060, dated 22nd August 1893.)

21. The Indian Forest Act (*vide* Sections 4 and 16) only really requires the appointment of a Forest Settlement Officer and of an appellate authority for the purpose of an inquiry into rights in a reserved forest. With regard to protected forests, Sections 28 and 34 prescribe that 'the nature and extent of the rights of Government and of private persons in or over the forest land or waste land comprised therein shall be enquired into and recorded at *survey or settlement, or in such other manner as the Local Government thinks sufficient.*' It is, of course, competent to Government, if they think fit, to direct, with reference to the last ten words of this quotation, that in protected forests the enquiry and record shall be made and prepared by a Forest Settlement Officer in the same manner and subject to the same provisions and right of appeal as in the case of reserved forests, but there is no legal necessity for their doing so; it is not even necessary that the enquiry and record be made by a Forest Settlement Officer.

If, however, protected forests are proposed to be constituted reserved forests, then the inquiry into rights by a Forest Settlement Officer, subject to the provisions of Chapter II of the Act, will be imperative. (L. R. No. 1260, dated 24th September 1884; *vide* G. R. No. 7950, dated 9th October 1884.)

22. In cases in which the Forest Settlement Officer "finds it impossible, having due regard to the maintenance of the reserved forest, to make such settlement under Section 14 of the Forest Act as shall ensure the continued exercise of the inámdárs' rights to the extent" to which he has admitted their existence, Section 15 of the Act requires that the Forest Settlement Officer "*shall* commute such rights, either by the payment to such persons of a sum of money in lieu thereof, or by the grant of land or in such other manner as he thinks fit." This it is incumbent on the Forest Settlement Officer to do, and an appeal will lie under Section 16 of the Act against any order he may pass. The provisions of the Land Acquisition Act are not applicable. The commutation must be made under

Section 15 of the Forest Act and subject to such rules, if any, as Government may have prescribed under that section. (L. R. No. 1056, dated 9th August 1884; *vide* G. R. No. 6940, dated 29th idem.)

23. There is no objection to the commutation, where necessary, by the Forest Settlement Officer of rights either by the payment of a lump sum, or by a cash allowance, or by remission of judi, or by giving land revenue-free; but a cash payment would in most instances be most advisable in the interest of Government. The Assistant or Deputy Collector in charge of the táluka should be empowered, under Section 16 of the Act, to present an appeal against any order of the Forest Settlement Officer under Section 15 which may appear to him injurious to the interests of the Government land revenue, so that all such cases may be brought under the review of the Collector. To enable the Assistant or Deputy Collector to decide whether an appeal should or should not be preferred, a copy of every decision passed by the Forest Settlement Officer under Section 15 should be communicated to him by that officer. (G. R. No. 1190, dated 9th February 1885.)

24. It is not competent to Government to extend the provisions of Section 9 of the Forest Act, regarding the extinction of rights in reserved forests, and of Section 15, regarding the commutation of rights in such forests, to protected forests. In the case of a protected forest, all that the Act contemplates is an enquiry and a record of rights, not a settlement. If the existence of a right is denied by Government in a protected forest, there is nothing to prevent the claimant from resorting to the usual remedy in the Civil Courts to establish his claim if he is so minded. And if his right is admitted, he cannot be in any way *compelled* to commute or part with it. A 'settlement' with him can only be made with his consent. (L. R., No. 355, dated 18th March 1885; *vide* G. R. No. 2711, dated 31st idem.)

25. The proceedings of Forest Settlement Officers under Sections 7 and 10 of the Forest Act should be full and formal, following the forms of procedure in civil suits. They should, of course, regard the contention of Government in reliance on the opinion of the Legal Remembrancer simply as the case of one party to a suit. (G. R., No. 8438, dated 16th October 1885.)

26. The object of Chapter II of the Forest Act is to enable the State to maintain certain areas permanently as reserved forest, and with this view an elaborate procedure is prescribed. The Forest Settlement Officer hears claims to rights, and, under Section 13, makes a record of such rights as he admits. Then, under Section 14, 'having due regard to the maintenance of the reserved forest, he proceeds to pass such orders as will ensure the con-

tinued exercise of the rights so admitted. If, however, he finds it impossible, having, again, 'due regard to the maintenance of the reserved forest,' to arrange the matter suitably, he can, under Section 15, commute such rights either by money payment, or by grant of land, 'or in such other manner as he thinks fit.' The Government of India is advised that the commutation of rights thus provided for must be of a permanent, and not of a temporary, character, and that in fact it must be of such a nature (in whatever manner it may be made) as to absolutely extinguish the right which the Forest Settlement Officer has admitted, but the exercise of which cannot be allowed with due regard to the maintenance of the reserved forest. It may be observed that the words 'other manner,' in the expression 'in such other manner as he thinks fit,' simply refer to the nature of the consideration which the right-holder is to receive for the commutation of his rights, and imply that it must be a mode *ejusdem generis* with payment of a lump sum or a grant of land. (G. I., R. & A., No. 893, dated 23rd September 1887; *vide* G. R. No. 8524, dated 15th December 1887.)

27. The commutation of rights provided for in Section 15 of the Act was intended to be, and according to the true construction of the terms of the section, is an extinguishment of the right commuted, for the consideration mentioned just as by Section 10, an absolute surrender (sub-clause 2), or complete and permanent acquisition (sub-clause 3) of the rights dealt with by that section, are provided for. This view is supported by the terms of Section 26, which appear to assume the operation of the Act on forest rights to be limited to extinguishment or absolute acquisition of the same, and by the fact that nowhere in the Act is there any trace of an intention that forest right should, under its provisions, be suspended or temporarily taken up by Government. The expression at the end of Section 15, 'in such other manner as he thinks fit,' may be construed as having reference only to the consideration to be paid or given for the right commuted, and these words cannot properly be interpreted as in any degree amplifying or affecting the meaning of the word 'commuting' which must be read in its ordinary signification of exchanging, out and out and permanently. There seems no reason why a cash allowance, either permanent or temporary and terminable, at a fixed period or on the expiry of one or more lives, should not form the consideration for the commutation (*i.e.*, permanent acquisition) of rights under Section 15. The granting of such allowances, either permanent or temporary, in lieu of the rights commuted would be within the scope of the words 'in such other manner as he thinks fit,' at the close of the section, and no rule appears to me to be necessary to warrant the adoption of this course. There can be few forest rights for the permanent acquisition

(commutation) of which allowances, terminable at periods more or less remote, according to the nature and value of the rights, would not be adequate compensation. (Adv. Genl., No. 28, dated 8th November 1887; *vide* G. R. No. 8524, dated 15th December 1887.)

28. In the margin of Section 18 of the Forest Act is the word "Pleaders," which seems to show that the section refers to the appointment of Counsel by the parties. It may be assumed, as a matter of course, that the Forest Settlement Officer will consult the Forest Department in all his proceedings, and a formal permanent appointment of the Forest Officers, under Section 18, to appear for Government is not necessary. (G. R. No. 4034, dated 1st August 1879.)

29. Care should be taken that a copy of the Forest Settlement Officer's report and of any orders passed by him under Section 11 of the Indian Forest Act, is communicated to the Conservator of Forests in time to enable him to prefer an appeal under Section 16 within the period specified in that section, should such an appeal be deemed expedient. (G. R. No. 4560, dated 6th August 1881.)

30. A copy of every award of a right against the forests, save of a right of way, in respect of any forest lands which may be made by a Forest Settlement Officer, should be forwarded through the Divisional Forest Officer to the Conservator of Forests by the Forest Settlement Officer immediately upon the award being made. (G. R. No. 2988, dated 9th April 1884 and G. R. No. 278, dated 13th January 1890.)

31. Conservators of Forests are authorized to employ District Government Pleaders generally for the purposes of appeals against the orders of Forest Settlement Officers whenever such appeals are preferred. The Conservators should instruct the District Government Pleaders as to the grounds on which their appeals are to be based. (G. R. No. 1048, dated 4th February 1884.)

32. In the enquiry into all important claims on which the Forest Settlement Officer will pass orders under Sections 10, 11, 14 or 15 of the Forest Act, or in regard to which an appeal is preferred under Section 16, the Forest Officers who are responsible that the interests of Government are adequately represented, should apply under the standing rules for the advice and assistance of the Legal Remembrancer, who will make proposals to engage Counsel as he may think necessary. The Collector, who is deputed to hear appeals under Section 16, should not, of course, take part in these proceedings. The Forest Settlement Officer, who exercises in these enquiries the powers of a Civil Court, cannot with propriety take part in communications relating to the evidence to be collected for the defence. Any decision of the executive Government against the

admission of forest rights is simply a statement of the position which Government propose to defend if it is assailed in the Forest Settlement Officer's Court, and is in no way intended as an instruction to the Forest Settlement Officer in his judicial capacity. This should be obvious, but the matter is plainly stated here because it has sometimes been misunderstood. (G. R. No. 7829, dated 26th September 1885.)

33. Section 16 of the Forest Act gives "right of appeal within three months from the date of the orders passed," and it follows that after that period there is no right of appeal against the awards of Forest Settlement Officers. (L. R., No. 765, dated 5th June 1884; *vide* G. R. No. 4882, dated 18th idem.)

34. Section 17 of the Forest Act empowers Government to revise an appellate order when an appeal has been made under Section 16. But when no such appeal is made, Government have no power to revise the order of the Forest Settlement Officer; nor is Government vested with authority to quash proceedings and direct a fresh inquiry. (L. R., No. 643, dated 20th May 1886; *vide* G. R. No. 4090, dated 9th June 1886, and G. R. No. 3027, dated 14th May 1887.)

35. The settlements and demarcations of forests already sanctioned by Government were made by the Forest Settlement Officers concerned after careful local inquiry into, and due consideration of the requirements of the Forest Department and of the cultivators, and were complete and ample; they must, therefore, be regarded as final, and the energies of the Forest Department should be directed to the improvement or creation of forests on the lands placed under its control in place of seeking fresh accessions of land which cannot be granted in tálukas where a final forest settlement has been effected.

Demarcation includes lands not yet acquired for forests, but which are to be acquired as opportunity offers, and the demarcated area is understood to include all the land which it is desirable to include in forests.—The demarcation once made should be final and no other policy is expedient. Even where the demarcation settlement has not been made, orders on applications to take up waste lands for cultivation should be passed without delay and not indefinitely postponed. (G. R. No. 1056, dated 8th February 1883.)

36. The Forest Settlement Officer can only enquire into and determine the existence, nature and extent of rights in or over the land or actual forest produce, and has no jurisdiction as to a right to the *proceeds* of forest produce. (L. R. No. 1265, dated 24th November 1888; *vide* G. R. No. 8598, dated 24th December 1888.)

37. The following opinion No. 506, dated 4th May 1888, was recorded by the Remembrancer of Legal Affairs :—

"The Collector has confirmed the Forest Settlement Officer's decision, in so far as it related to the award to the lessee, under Section 11 of the Forest Act, of three articles of forest produce. The Conservator asks Government, under Section 21 of the Act, to rescind the Collector's order and require him to try the appeal over again and, in his new decision, to comply with the provisions of the Act, which prescribes that the extent of admitted rights shall be clearly defined.

"Section 17 of the Forest Act enacts that the decision of the appellate officer shall be final, subject only to revision by the Local Government. Section 21 prescribes the revisional power of Government. It says that Government may 'rescind or modify any order made under Sections 14 or 17, and direct that any one of the proceedings specified in Section 14 be taken in lieu of any other of such proceedings, or that the rights admitted under Section 11 be commuted under Section 15.' If, therefore, Government think fit to modify the Collector's order under Section 17, they are limited, in doing so, to directing either,

"(1) that some other course than that ordered by the Collector under Section 14 of the Act be taken, or,

"(2) that the admitted rights, or some of them, be commuted under Section 15.

"It is not open to Government, I think, to pass such an order as the Conservator suggests; and as no order has been made by the Collector or the Forest Settlement Officer in respect of the admitted rights in question under Section 14, none can be made by Government. It is, in my opinion, only possible for Government, if they think fit, now to direct that the admitted rights be commuted under Section 15 of the Act."

(G. R. No. 4149, dated 25th June 1888.)

38. The following further opinion, No. 1363, dated 24th December 1888, was recorded by the Remembrancer of Legal Affairs :—

"The Conservator, N.C., takes exception to the construction put by the Honourable Mr. Naylor, in his No. 506 of 4th May 1888, on Section 21 of the Forest Act VII of 1878.

"The Honourable Mr. Naylor pointed out that the revisional power of Government is limited by that section to the substitution of any one of the arrangements which a Forest Settlement Officer has power to make under Section 14 of the Act for any arrangement actually adopted by such officer.

"The Conservator appears to argue that Section 21 must extend to the revision of the order admitting or rejecting the claim, because it gives the Local Government power to revise an order under Section 17, which is silent as to commutative arrangements.

"This argument, however, seems untenable. An appeal may be made under Section 16 from any order under Section 14, and, therefore, includes commutative arrangements, and such an appeal must be dealt with under Section 17 and the order on appeal is subject only to revision. The Conservator is mistaken, therefore, in thinking that the Collecter, as appellate Court, has nothing to do with an order under Section 14. Sections 16 and 17 require him to deal with an appeal against an order passed under Section 14, and his order thereon is liable to revision only.

"The revisional powers of the Local Government are not defined, but only referred to, in Section 17. No pro-

vision is made in that section as to when they are to be exercised. The only provision as to the exercise of those revisional powers is to be found in Section 21, and it is clear from Section 21 and the intervening Sections 18 and 19, that so far as the admission or rejection of a right claimed is concerned, the decision of the appellate Court under Section 17 is final. For Section 18 provides for the appearance on behalf of the Local Government, as a party interested, at the enquiry and appeal, and Section 19 provides for a notification issuing on the decision of the appellate Court, or on the period allowed for appeal expiring without appeal made. It is, therefore, clear

(*a*) that the time for the Local Government to prefer their claims is when the enquiry or the appeal is proceeding,

(*b*) that the decision on appeal, or on the expiry of the period allowed without an appeal, the rights are taken to be so definitively settled that the Government are empowered to act on the decision as to them by issuing the final notification.

"I would note that it is most improbable that the Legislature intended that Government after appearing as a party in the proceedings and after acting on the decision as a binding one, should then assume judicial functions in the very same matter and should exercise them at any time within five years.

"Section 21 clearly refers to executive or administrative orders only, and as there is no other section defining their powers in revision, those powers must be strictly limited by Section 21. The words governing the whole section are 'The Local Government may revise *any arrangement*,' and it is *only 'for that purpose'* that Government may rescind an order under Section 14 or Section 17. *Expressio unius est exclusio alterius*, and Government cannot, therefore, set aside an order under Section 11 as to the existence of a right claimed. They can only deal with the arrangements made under Section 14 as confirmed or modified by the appellate Court under Section 17 as to the manner in which the rights are to be exercised or commuted. The latter part of the section clearly restricts the power of the Local Government in rescinding or modifying an order under Section 14 or 17 to the selection of commutative *arrangements*.

"It is very possible the original or the appellate Court may err in admitting or rejecting a claim, and an error may have occurred in the present instance. But when the Legislature has appointed the forum, it is not open to one of the parties interested, if dissatisfied with the decision, to assume appellate powers not conferred by law. Under Section 17, the order of the appellate Court is final except so far as the Local Government may revise it under Section 21, and neither Government nor the claimant has any further right of appeal. Government are not more helpless to prevent the alienation of public property in this instance than in any other which comes before a judicial tribunal. They have a right to be heard by the tribunals constituted by law, and the Legislature evidently never intended to empower them to re-adjudicate on their own rights.

"No doubt Section 13 requires the Forest Settlement Officer to record the extent to which a claim is admitted, and for this purpose the quantity of timber or other forest produce which the claimant is from time to time authorized to take or receive must be specified, and the record must also show whether such timber or other forest produce may be sold or bartered. But *certum est quod certum reddi potest*, and Mr. Lawrence's decision, confirmed by Mr. Keyser, limits the right by a test as definite as arithmetic.

The claimant's right to wood is limited by the order which he is permitted by the Collector to take, and the power to take wood for sale is, I think, clearly excluded by the words 'for purely domestic purposes in the village.' The rights to fruit trees and brab trees are no less clearly defined under paragraphs 4 and 6 of Mr. Lawrence's decision, and Mr. Keyser, as appellate Court, has confirmed the decision on these points without qualification.

"The Conservator, N. C., in paragraph 14 of his letter leaves incomplete his quotation of Section 14.

"The Forest Settlement Officer may make arrangements under (*a*), (*b*) and (*c*) of Section 14, but is not bound to do so. All he is bound to do is, to 'pass such orders as will ensure the continued exercise of the rights admited.' This is to protect the interests of the claimant. The imperative '*shall*' at which Conservator's quotation stops short, refers only to the passing of those orders. The manner of effecting the object of those orders is discretional, and if the Local Government consider that better arrangements might be made by commuting the admitted rights, the law allows them 5 years to judge by the light of practical experience as to the best way in which such arrangements may be effected.

"It is very possible that the orders of the Settlement Officer as confirmed by the appellate Court, may not have provided for the continued exercise of the rights admitted, in such a way as to provide adequately for the maintenance of the reserved forest, and it is here that the revisional power of the Local Government may legally be exercised, who may proceed under (*a*), (*b*) or (*c*) of Section 14, or under Section 15 may commute the claimants' rights by a money payment or a grant of land, or in any other manner they may think fit."

(G. R. No. 957, dated 6th February 1889.)

39. The forest register should contain an accurate statement of all rights and privileges. It should be prepared and signed by the Forest Settlement Officer after the work of settlement and demarcation is completed. (G. R. No. 3263, dated 7th June 1881.)

40. The Government of India have no intention of prescribing any particular form of register of claims to lands or rights to forest produce in proposed reserved forests, the matter being left to the discretion of the Local Governments and Administrations concerned. The Government of India desires to observe, however, that the essential feature in any register of the kind must be that it subserves the purpose in view and contains in an easily accessible and comprehensive form all the really necessary information regarding the settlement of rights in a reserve, so that it may serve as a convenient index to the mass of papers bearing on the settlement of any particular forest reserve. (G. I., R. & A., Nos. 458-F. and 8-F., dated 27th and 16th May 1887; *vide* G. Rs. Nos. 4259 and 4285, respectively dated 8th and 9th July 1887.)

41. In effecting settlements when no rights are admitted, an entry to that effect should be made in the forest register. (G. R. No. 7232, dated 12th September 1892.)

42. The papers of a forest settlement when placed before Government should comprise—

(1) a list of already notified reserves as they are to be retained permanently;

(2) a list of notified reserved lands which it is proposed to exclude from reserves, with reasons in detail, and the views of the District Forest Officer;

(3) a list of new lands which it is proposed to constitute reserved forest (to be notified under Section 4), with reasons;

(4) a list of lands, if any, which it is proposed to make protected forest under Section 28; perhaps also

(5) a list of occupied lands which it is desirable to acquire for forests; and

(6) a record of rights awarded in reserves.

Where the work of forest settlement is to be done by a young officer of two or three years' service, and especially when there has been previous discussion, the Collector may secure a great economy of time and labour by laying down a general plan after consulting with the District Forest Officer before the Settlement Officer begins his work, and indicating on the map in what localities the notified forests chiefly seem to require enlargement, reduction, or consolidation. He might also, with excellent effect, supervise and direct his Assistant's forest work and assure himself that his proceedings are guided by right principles and recorded in a clear and intelligible way. (G. R. No. 3245, dated 6th June 1881.)

43. It is desirable, as a general rule, that a demarcation report should also be a settlement report, and still more desirable that when proposals for the forest demarcation of a táluka are submitted, they should at least be accompanied by a full statement of the nature and extent of the forest privileges of which the grant is advocated. In cases where the combination of a report on the settlement with a report on the demarcation would materially delay the submission of a report for a táluka, the demarcation report should be supplied separately, but in such instances the report on the demarcation should clearly state the forest privileges recommended to be given. (G. Rs. Nos. 3892, dated 14th May 1885, and 5007, dated 19th June 1885.)

44. The following instructions to Forest Settlement Officers, Commissioners, Collectors, Assistant Collectors, and Forest Officers have been laid down by Government:—

"No precise instructions having been issued as to the form in which proposals for the demarcation and settlement of forests should be placed before Government, the reports of the Forest Settlement Officers are not uniform and are often less complete than is desirable. Government should be in possession of all relevant facts needed for a decision

whether both the interests of agriculture and the requirements of forest conservancy have been adequately regarded, and if these facts are carefully collected and arranged before the Collectors, Commissioners and Conservators form their conclusions upon them, there will be a greater probability that the Revenue and Forest Officers will be able to submit to Government a scheme on which they are all substantially agreed.

"2. Such a scheme should comprise facts and proposals under the following heads :—

Demarcation of the area naturally suited for reservation as reserved or as protected forest; proposals for alternate closure and opening for grazing and other uses; estimate of the number of cattle for which grazing can be provided; months in which grazing is to be available; probable amount of supply of cut grass from closed reserves; history of previous uses of all land enclosed in forests under heads of 'old reserves,' free pasture, assessed and unassessed waste; review of live stock of táluka and purposes for which it is used, *i.e.*, for the agriculturists' personal uses or for profit; grazing resources of each village which has contributed land to forest; demand of each such village for grazing in forests; opinions as to proportion of free grazing and grazing on fee, regard being had to the general regulations on the subject; what animals (sheep, goats, camels) are to be excluded; what privileges other than grazing are recommended; what rights are claimed and admitted. Proposals for disforestment.

"3. The division of labour among the officers concerned in framing the settlement proposals, and the heads under which their several tasks would fall, may be thus suggested :—

Part I.—The Forest Settlement Officer submits his demarcation proposals, stating the area to be constituted and maintained as reserved and protected forest. He works in consultation with the Revenue and Forest Officers of the district, is bound to have careful regard to their criticisms on behalf of the interests they represent respectively, and is expected to submit proposals which are either unanimously approved or contain full elucidation of any conflict of opinions.

Part II.—The submission of a provisional scheme by the Divisional Forest Officer and Conservator with illustrative map, for the utilization of the demarcated area, general plan of working, proportion and rotation of closed area where plantation and sowing will take place, stating time when it is likely to be taken up for forest uses, extent and locality of grazing land, capacity (estimated in acres per head) of the grazing land to admit cattle. The proposals should as far as possible have the concurrence of the Revenue Officers and should be submitted by the Forest Settlement Officer as Part II of his record.

Parts I and II having dealt with the disposition and capacity of the forest area, Part III will deal with the popular requirements for its use.

The data will be worked out by the Forest Settlement Officer and Revenue Officers conjointly. But their duties may be thus distributed.

Part III.—The Forest Settlement Officer will supply *—

(*a*) The facts as to user for grazing and other forest produce as existing before his demarcation, and his proceedings under the Forest Act respecting all the land included in the forest area. He should particularly note the area of 'old reserves' included in the demarcated area, the density of forest in the old reserves, and state from what date these reserves have existed as such, and what has been the practice as to grazing or other privileges in them.

†(*b*) Statement by villages of gáirán, gurcharan or other free pasture (set apart under Section 33, Land Revenue Code, or otherwise) included in demarcated area.

†(*c*) Statement by villages of unoccupied waste, assessed and unassessed, and of grazing land previously sold annually by Collector now included in demarcated area and of proceeds of such sale.

†(*d*) Statement by villages of any other grazing or cultivated land previously outside but now included in demarcated area, *e.g.*, occupied land bought or acquired by exchange.

The Revenue Officers will supply particulars of—

(1) The local practice as to cattle keeping for—

(*a*) the plough,

(*b*) dairy produce,

(*c*) breeding for sale;

also as to sheep and goats.

Whether the plough cattle are grazed on forest areas or stall-fed. If the former, in what months forest grazing is demanded and in what months the cattle are at home. If the latter, whether the plough cattle cannot be stall-fed by grass cut and taken from closed reserves. Whether sheep, goats and camels cannot be fed outside forest area.

(2) For each village contributing land to forests—

(*A*) The amount of grazing land in village limits not taken into forests; position of each village as to extension of cultivation:

* *Note.*—By Government Resolution No. 2559, dated 2nd April 1886, and 4160, dated 10th June 1886, a form of village statistical statement to accompany Forest Settlement Reports has been prescribed.

† (*b*), (*c*) and (*d*) may conveniently be united in one statement, together with statistics of population, number of cattle, total area, area under cultivation, unoccupied waste, assessed and unassessed, left after demarcation.

suggestions as to future use of such grazing land as free pasture or to be sold annually by auction; quality and—where assessed—average assessment of this land.

*(*B*) Statement for each village of village cattle—

(*a*) for plough tested by cultivated area,

(*b*) for supply of milk, &c., to owners,

(*c*) for trade and profit,

(*d*) useless.

(*C*) Analysis for each village of all grazing resources outside of forests and calculation of number of cattle which—

(*a*) can be provided with grazing in the village outside forests,

(*b*) can be stall-fed on grass cut in forest,

(*c*) must have grazing provided in forests, of which—

(i) how many for plough and supply of milk, &c., to owners,

(ii) how many for trade and profit.

(3) Average acreage given out for cultivation during the last ten years.

"4. It is not intended that on these satistics exact rules should be formulated by Government for the limitation of cattle to be admitted to graze in forests, as that is a matter which should be left to local arrangement according to circumstances. The facts will enable Government to judge of the nature of the requirements of each case and the reasonableness of the scheme submitted, and they will also furnish the local Revenue and Forest Officers with a guide in shaping correctly the local regulations as to the opening of forest areas for grazing and the levy of fees.

"5. His Excellency in Council desires to repeat that the only satisfactory forest settlement scheme is that which after full consideration of all interests is unanimously recommended by both the Departments with a clear demonstration that it adequately provides for the wants of agriculture as well as for judicious and beneficial forest conservancy."

(G. R. No. 7677, dated 22nd September 1885.)

45. The persual of various Forest Settlement Reports has led Government to the conclusion that it is advisable to modify the latter part of paragraph 3 of Government Circular No. 7677, dated 22nd September 1885, and it is, therefore, directed that in future Forest Settlement Reports the whole of Part III should be prepared by the Forest Settlement Officer. (G. R. No. 2480, dated 24th April 1888.)

* *Note.*—In passing orders on the Forest Settlement and Demarcation Report of the Dhulia Táluka of the Khándesh District, Government in their Resolution No. 9620 of 20th December 1889 directed that the statement prescribed under Part III—2 (*B*) should be omitted in future from Forest Settlement Reports.

46. As a rule, all Forest Settlement and Demarcation Reports should contain the information called for in Government Circular No. 7677 of September 22nd, 1885, because without it a final and satisfactory decision is impossible. The preparation of the statistics should be commenced when a Forest Settlement Officer takes a táluka in hand and carried on *pari passu* with his work so as to avoid delay. The total of village cattle can be obtained easily from the village records.

A narrative about the old reserves should be given in a separate memorandum.

(G. R. No. 9154, dated 14th November 1885.)

47. The demarcation and settlement of a táluka are not completed without some lapse of time, affording opportunity for consulting all Departments concerned while the work is going on. It is better that the Forest Settlement Officer should be influenced as may be proper by the opinion of the Revenue and Forest Officers while he is shaping his proposals, than that dissents, as sometimes happens, should be recorded on them when completed. The time occupied in his operation can be utilized for the concurrent preparation of statistics by the Revenue Officers. Demarcation precedes settlement, and the information required by the Revenue Officer before preparing the statistics under Part III (2) of Government Resolution No. 7677, dated 22nd September 1885, relates to demarcation only. He does not require the information to be given by the Forest Officer under Part II. (G. R. No. 10109, dated 17th December 1885.)

48 There is no objection to Part I (demarcation proposals) of the Forest Settlement Report being submitted first when a great saving of time will result. Nevertheless it is desirable, as a rule, that Part I should be accompanied by Part II (Provisional Scheme of Working the Forests). The object of Part II is to enable Government to judge what amount of accommodation for grazing can be provided in the area demarcated in Part I. The local requirements for grazing are shown in Part III. It is not reasonable that the Divisional Forest Officer should be unable to express any opinion as to the forest treatment of an area about to come under, or actually under, his charge as a reserve. A map illustrating the portions of the forest area which may be opened to grazing of cattle at one time, with an estimate of the capabilities in the matter of grazing of the open forest of each village, *i.e.*, a statement of the number of cattle that may be admitted without serious injury to tree growth, will supply all the required information under Part II as far as works are concerned; the map can show where artificial plantations are proposed to be made, and the portions of the closed forest which are to be treated for natural reproduction by protection against man and cattle assisted by broad-cast sowings of seeds and dibbling to be undertaken mainly by forest guards

where extensive blanks may occur within the forest boundaries. Further details, such as the present possibility of yield in timber and other forest produce and the increase in outturn which may be looked for in future, the portions of the forests to come under the axe in regular rotation with a defined scheme of fellings exhibiting the revolutions for different blocks, must stand over until valuation surveys can be made and a regular working scheme prepared. (G. R. No. 2246, dated 23rd March 1886.)

49. The information in respect of grazing grounds and cattle required to be submitted in the Settlement and Demarcation Reports by Government Resolution No. 7677, dated 22nd September 1885, is not necessary so far as the forests in Sind are concerned. There are not the same difficulties in respect of grazing requirements as exist in the Presidency Proper, and His Excellency in Council is pleased to make an exception in the case of Sind, and allow the Forest Settlement Reports to be submitted in accordance with the instructions contained in the Commissioner in Sind's subjoined special Circular No. 37, dated 25th April 1882:—

"1. As some doubts seem to exist as to the exact nature of the duties of Forest Settlement Officers appointed under Act VII of 1878 (The Indian Forest Act), or of the extent of enquiries to be made by them, the Commissioner in Sind is pleased to issue the following instructions.

Duties of a Forest Settlement Officer.

"2. As soon as an officer has been appointed (whether by name or as holding an office) to be Forest Settlement Officer, with respect to any specified lands which it is proposed to constitute a reserved forest, he should at once proceed to draw up in Sindhi a clear and carefully worded proclamation, stating plainly (1) the limits of the land which it is proposed to form into a reserved forest, (2) explaining (*a*) that once the land has been declared a reserved forest, it will be handed over to the Forest Department; (*b*) that, subject to the sanction of Government, the Forest Officer will have certain powers to stop rights of way and water-courses; (*c*) that certain acts (specifying the acts) are prohibited in a reserved forest (*vide* Section 25); (*d*) that the exercise of all rights to pasture or forest produce may be suspended by Government in the event of a fire being caused wilfully or by gross negligence in a reserved forest; (*e*) that cattle trespassing in a reserved forest shall be deemed to be cattle doing damage to a public plantation under the Cattle Trespass Act, 1871, and may be seized and impounded by a Forest Officer or Police Officer, and that Government may fix a special rate of fines for such trespass; and finally (and this is the most important point of all) (*f*) that any rights not claimed or proved before the Forest Settlement Officer, or of the existence of which no knowledge has been otherwise acquired by him, will be extinguished; (3) that all claims to rights, &c., must be presented to the Forest Settlement Officer within the period expressly mentioned and clearly set forth in this proclamation.

First to issue a proclamation in Sindhi,
(1) Specifying limits.
(2) Explaining consequences.

(3) Fixing period for enquiry into claims.

"3. The greatest care must be taken that this period is made clear and unmistakeable, and that the date of issuing the proclamation, and the date fixed in the proclamation as that within which the claims must be presented, are duly entered in the Forest Settlement Officer's procedure book to be kept as hereinafter provided.

"The Forest Officer should send copies of this proclamation into the villages to the Tápádárs through the Mukhtyárkar, who should acknowledge receipt, and report the date of the publication of the proclamation in every town and village in the neighbourhood of the land referred to. The Forest Settlement Officer should also take evidence for the purpose of satisfying himself that the proclamation was duly made, and should note the fact in the proceedings to the enquiry.

Publication of proclamation to be made through Mukhtyárkar and Tápádárs, the dates being reported.

Forest Settlement Officer to satisfy himself that the proclamation has been duly published.

"4. As to the nature of the enquiry to be held by the Settlement Officer, it should, the Commissioner considers, be as careful and as exhaustive as possible, so as to prevent all disputes or questions arising hereafter. What the Forest Settlement Officer has to do is to enquire into all rights, including—

Nature of enquiry.

To be held into all *rights* of every possible kind.

(1) rights claimed,

(2) rights existing or alleged to exist;

and for the purpose of enquiring into these rights, the Forest Settlement Officer has been invested with all the powers of a Civil Court in the trial of suits, and in conducting his enquiry he should proceed accordingly.

Forest Settlement Officer, a Civil Court.

"5. The Forest Settlement Officer, it must be repeated, has been empowered to enquire into every possible kind of right claimed or alleged to exist, but the Act expressly lays down how he is to deal with certain specified claims.

Procedure in certain specified cases.

I.—Rights, other than—
a right of way,
or right of pasture,
or right to forest produce,
or right to water-course,
how to be dealt with.

"I.—In the case of a claim to ownership of land (Section 10) the Forest Settlement Officer must pass an order, either

(1) admitting, or

(2) rejecting it;

if it is admitted, he must either (*a*) exclude it from the forest or (*b*) come to an agreement with the owner, or (*c*) acquire it. Before either of the last two courses is followed, it would, the Commissioner thinks, be best to consult the Forest Department, and unless they approve of the terms upon which it is proposed to obtain the land, whether by agreement or acquisition, the simplest course would be to follow the first course, *i.e.*, to exclude the lands, and let the Forest Department acquire them hereafter if necessary.

"II.—When the claim is to a right of pasture, or to forest produce, *i.e.*, to minerals, surface-soil, trees, timber, canes, reeds, honey, wax, skins, bones, horns, &c., (*vide* Section 2), the Forest Settlement Officer must either admit or reject them when passing the order, and must make a record, *so far as may be practicable*, giving certain particulars with reference to each person claiming the right or rights, and also certain particulars with regard to the land, &c., in respect of which such rights are claimed (*vide* Section 12).

II.—Claims to right of pasture or to forest produce.

Record of claims.

"If he admits a right of pasture, he must specify (1) the number and description of the cattle the claimant is entitled to graze in the forest; (2) the season during which such grazing is permitted; (3) or such other particulars as the case may require.

If right of pasture admitted, what particulars to be recorded.

"If he admits a right to forest produce, he must similarly specify (1) the quantity of timber, &c., the claimant is authorized to take or to receive; (2) or such other particulars as the case may require.

If right to forest produce admitted, what particulars to be recorded.

"6. Having completed this record, the Forest Settlement Officer may pass orders to ensure the continued exercise of the rights admitted by him (1) by either setting out another forest tract in which these rights may be exercised; (2) or by excluding forest land of sufficient extent to meet the purpose; (3) or simply by recording an order continuing the rights within such portions of the proposed forest as may be prescribed by Government.

What final orders may be passed.

"The latter course will probably be the one most frequently adopted by Settlement Officers in Sind; but the law gives them power to follow either of the two other courses, and in some cases of course it might be advisable to do so. In cases of doubt or difficulty there could be no objection to the Forest Settlement Officer consulting the Forest Department in the matter, more especially as his functions in this case resemble those of an arbitrator between the Department and the people.

"Similarly, the Forest Department should be consulted before any rights are commuted under Section 15, more especially as no rules have yet been prescribed by Government on this behalf.

Commutation of rights.

"7. Forest Settlement Officers must be careful to record the date of the final order with respect to every claim put forward, and should at once communicate the decision to the claimant, so as to enable him to present an appeal within the three months provided in Section 16 for an appeal from an order under Sections 10, 11, 14 and 15.

Dates of all final orders to be carefully recorded. Claimants to be informed of decision.

"8. The date of the disposal of the last claim made within the period fixed by the Forest Settlement Officer under Section 6, as well as the dates of the disposal of all appeals relating to any particular forest, and the date of the final acquisition of any land which the Forest Settlement Officer has determined to acquire, should all be carefully noted in the Forest Settlement Officer's procedure book relating to each forest. When all formalities have been completed, it is the duty of the Forest Settlement Officer to forward through the Collector (who should, before sending it on, consult the Forest Department) the final notification required by Section 19. The date of this final notification, as finally published in the *Government Gazette*, should be carefully entered in the Forest Settlement Officer's procedure book relating to enquiry into rights, &c., in the forest, and the book should then be closed and forwarded with all proceedings, &c., for record in the Collector's office.

Dates of completion of enquiries and disposal of appeals to be noted.

Similarly date of acquisition of any land by Forest Settlement Officer to be noted.

On publication of notification under Section 19, Forest Officer to close his procedure book and to forward it with all proceedings for record in the Collector's office.

"9. These orders, it will be observed, necessitate the keeping of a formal procedure book by each Forest Settlement Officer for each forest or block of forest land with regard to which he has been appointed Settlement Officer. The book should be kept in the form annexed. It is not intended to supersede the necessity for drawing up formal proceedings in the case of every claim put forward, but is merely intended to mark the chief points in the progress of the enquiry from its beginning to its end.

Procedure book how to be kept.

"The book should begin with a record of the date of appointment of the Forest Settlement Officer, and describing briefly all the intermediate stages of the enquiry from time to time, should conclude with the date of the final notification under Section 19.

Settlement Officer's enquiry can *begin* at once. Not necessary to await expiration of period fixed under Section 6, but it cannot *terminate* before that date.

"10. It must not be supposed that the issue of a proclamation under Section 6 precludes the Settlement Officer from at once instituting enquiries into any rights known or alleged to exist in or over any land notified under Section 4. On the contrary, there is nothing to prevent his at once endeavouring to obtain knowledge of the existence of *rights* as far as the same may be ascertainable from the records of Government, and the evidence of any persons likely to be acquainted with the same. He can also of course enquire into every claim as it is put forward or arises, and need not wait till all the claims have accumulated before entering on his enquiry.

Recommendations may be freely made in final report.

"11. When he has finally completed his enquiry into the existence, nature, and extent of the *rights* in any reserved forest, the Forest Settlement Officer may, in reporting the completion of his enquiry, make any suggestions or recommendations he may think proper as to the continuance or otherwise of any *privileges* or concessions, not amounting to rights which he considers the people in the neighbourhood of the forest have enjoyed, or should be allowed to enjoy. These recommendations should, however, be kept quite distinct from the judicial finding or decision as to *rights*, and should on no account be mixed up or confused with the Settlement Officer's formal proceedings under the Act.

"12. Recommendations of the nature referred to may be freely made, and cause for the continuance of privileges may be fully shown; but it must be borne in mind that these communications are extra-judicial and executive, and have no legal connection with the settlement; and must not, therefore, be included in the Settlement Officer's proceedings. No mention has been made in this memorandum of 'Protected Forests,' because it is not at present intended to constitute such forests in Sind.

"*Form of proceedings of Forest Settlement Officers.*
(*Vide para. 9 of the Circular.*)

Enquiry into the existence, nature, and extent of rights in the reserved forest of_____.

Appointed Forest Settlement Officer (date and page of Gazette).

Issued proclamation under Section 6 in the form annexed to proceedings—

(1) Specifying limits.

(2) Explaining consequences.

(3) Fixing period of enquiry.

(Here give date of issue, period of enquiry, and other particulars of interest).

Proceeded to visit forest (date) _____

Read correspondence on _____ records, regarding this forest (date, &c.)_____

Examined the Mukhtyárkar of_____as to rights of people in this forest, also Tápádár of_____and Jághirdár of_____ _ _ _ (*vide* proceedings) (date, &c.).

Received by post petition from * * claiming right of pasture in forest. Summoned him to appear and prove claim (date) * * * appears, examine him and two witnesses. Reject his claim (date)_____

Visit forest (date)_____

Receive petitions from * * * * * * * * * who appear in person. Examine them and their witnesses as to their alleged rights. Reject their claims to free pasture and forest produce. Admit their claims of right of way and to water. Visit forest and inspect right of way claimed (date)_____

The period fixed in my proclamation under Section 6 having expired, I proceed to finally dispose of all claims to rights in forest, and pass the following final order (here give substance of final order) (date).

Submit a report to Collector, together with draft notification under Section 19, for publication in the *Government Gazette*, together with certain recommendations. Notification under Section 19 published at page_____of the *Bombay Government Gazette*."

(G. R. No. 2186, dated 19th March 1886.)

50. In all maps sent with forest demarcation reports, the different village sites should be shown, so that their proximity to the proposed reserves might be seen at a glance. (G. R. No. 4584, dated 10th August 1876.)

51. The maps of the Topographical Survey should be made use of in forest settlement reports and the effect of the proposals indicated on them. (G. R. No. 8018, dated 10th October 1884.)

52. Government would be much assisted in dealing with schemes for the forest demarcation of such a táluka as Jámner and most of the Khándesh tálukas and other tracts in which are situated the head-waters of streams, if a report were furnished regarding the physical geography of the táluka showing precisely the land which should be forest, in pursuance of the principle that the head-waters of streams should be protected. The report would show what theoretically and from the point of view of scientific forestry the demarcation should be, and should give facts as to the flood in the streams which rise in the tract and the actual condition of the lands about the sources of the streams. It might best be prepared by the Forest Department and should be furnished to the Forest Demarcation Officer before he commences the demarcation. It will be for that officer to weigh what is stated in the report, bearing in mind at the same time the necessities of agriculture. Both interests must be consulted. (G. R. No. 2238, dated 22nd March 1886.)

53. When forest demarcation and settlement reports, involving proposals for the inclusion of lands in reserved forest, are submitted to Government, proposals should simultaneously be submitted for the classification of the area to be reserved into (*a*) Forest proper, (*b*) Pastures, and (*c*) Fodder Reserves, in accordance with the orders of the Government of India, circulated with Government Resolution No. 6840, dated 5th October 1891. The adoption of this course will, in the opinion of H. E. the Governor in Council, probably save trouble to the Collectors and Forest Officers. (G. R. No. 8579, dated 11th December 1891.)

54. The Governor in Council has frequently desired that the opinion of the Forest Officers should

be obtained in framing demarcation proposals. The Demarcation Officer should consult every local official concerned in forests or agriculture, and any differences of opinion should be placed before the Commissioner and Conservator, that, if possible, unanimity may be attained before proposals are submitted to Government. The excessive bulk and complexity of Forest Settlement Reports might thus be greatly reduced. (G. R. No. 8018, dated 10th October 1884.)

55. A Divisional Forest Officer should always have an opportunity of offering his observations concerning proposals made by a Forest Settlement Officer, and his remarks should be forwarded to Government with the other reports. (G. R. No. 1306, dated 12th February 1885.)

56. Any forest demarcation proposals prepared by the Conservator of Forests should be forwarded through the Collector and Commissioner, who will after such examination of them as they may deem necessary submit them to Government with their remarks. (G. R. No. 5646, dated 5th August 1889.)

57. All Forest Settlement and Demarcation Reports, with the remarks thereon of the officers concerned, should be submitted by the Commissioners to Government in print instead of in manuscript. The appendices to the reports may be submitted in manuscript.

On receipt from the Commissioner of the manuscript report, the Superintendent, Government Central Press, should, in each case, ascertain in the usual way the number of copies required for the use of Government.

The Commissioners will ascertain in each case the number of copies required by the Revenue and Forest Officers and communicate it to the Superintendent, Government Central Press.

(G. C. to the Divisional Commissioners, No. 3712, dated 1st June 1891.)

58. No forest settlement proposals can be satisfactorily and finally disposed of, until Government is fully satisfied as to whether the demarcation leaves sufficient land for such extension of agriculture as may be anticipated, and this information must not be omitted from any report. (G. R. No. 909, dated 4th February 1886.)

59. The areas of *beta* lands and those of ordinary protected forests should be shown separately in the Kánara Forest Settlement and Demarcation Reports. (G. R. No. 5102, dated 25th July 1891.)

60. *Forests proper* should be limited to areas which it is desirable to keep under scientific departmental management with a view *primarily* to the preservation or creation of timber or fuel growth. Outlying tracts which are not wanted for scientific development should not be included in forest proper, merely because they contain a certain quantity of

bush or tree-growth, which can be protected sufficiently for local needs by occasional closure and such simple measures of conservancy as are within the competence of the Land Revenue Department. Nor on the other hand is it necessary that patches in the middle of tracts generally suitable to be classed as forest proper should be thrown out because they happen to be comparatively bare. In the same way, promising plantations occurring in the midst of tracts generally classable as pasture may be left to be put under suitable management by the Collector without classifying them specially.

(2). In treeless districts the enormous importance of *creating* a growth of trees and bushes, for climatic reasons, to check denudation of the hill-sides by scour, to supply vegetable mould and soil and to meet local demands for building-materials, firewood, &c., must be fully borne in mind. His Excellency the Governor in Council is at the same time of opinion that if real and rapid progress towards the attainment of this object is to be made without an altogether disproportionate amount of friction and hardship, it must be by concentrating effort to begin with on a suitable number of comparatively small plots selected where the conditions are least unfavourable, and where careful artificial treatment can be applied with some chance of a tolerably quick response. These plots would serve as object lessons to the people and as centres of gradual development. To attempt to deal with tracts so large that the treatment is practically limited to keeping out cattle, more or less completely, and trusting to Nature to do the rest, is costly to Government, irritating to the people and, where the denudation has passed a certain limit, so slow in producing results as to be practically ineffectual. If this principle be followed, it is probable that a very large proportion of the land now supposed to be under reboisement in the Deccan districts may be classed for the present as pasture, and the forest establishments employed on it set free to deal effectually with a more manageable task.

(3). The class of *fodder and fuel reserves* will be practically limited to existing kurans and plantations, with possibly a few additions in places where they are wanted and the conditions are suitable. No land which does not produce grass of good quality of a head suitable for cutting should be reserved. Usually, of course, the quality of the grass will be estimated with reference to its suitability for *fodder*, the coarse descriptions which cattle will not eat being excluded. But where there is a special growth of any particular variety of grass or rush valuable, like munj grass in Sind, for other purposes, such as thatching, basket work, matting or tatties, which seems likely to disappear if not protected, it may be desirable to establish a reserve.

(4). *Pasture* should include all reserved land not taken under one of the other two heads.

(5). As regards management, the chief points for consideration should be—

(*a*) What measures for the preservation and improvement of the grazing in pasture are desirable and practicable, *i.e.*, what is to be the system of management, in a technical sense.

(*b*) By what agency can they be carried out, *i.e.*, what is to be the system of executive control.

(6). As to the first point, Government consider that a *general* annual closure, however short, is to be deprecated, though it may possibly be found indispensable in particular localities. A division of the land into blocks, to be entirely closed in such period of rotation as may afford the closed block the longest practicable interval for recovery, seems to be the best principle: provided that the blocks are subdivided and situated so that every village shall always, as far as possible, have an open block within easy reach. Rotation of closure may not, however, be equally practicable or necessary everywhere, and it may be advisable to supplement it by, or where it is not practicable, to substitute for it, precautions against over-grazing by restriction of the numbers of cattle admitted such as are contemplated in the grazing rules, or in such other shape as local conditions may suggest as most suitable. In the opinion of His Excellency the Governor in Council, it would be a good thing if it could be arranged to limit the recovery of fees for grazing as much as possible to areas where the grazing is worth paying for, leaving the rest free, instead of fixing them on the cattle, irrespective of where they go and what they get, and to substitute voluntary arrangements with the villagers where possible for restrictive rules.

(7). As to the second point, it seems possible that much of the work of collecting grazing fees might be done with less friction by the Kulkarnis and pátils than through forest subordinates, and it has been suggested that the services of the Mhárs, Jáglias, Bumias, Puggis, and other inferior village servants might be enlisted in the cause of checking cattle trsepasses by giving them a percentage on the pound fees, so that the forest staff might be spared for other more legitimate duties, except for the month or two when the fees are being collected. The suggestion seems worth considering. Care should, however, be taken that the interest given to these Mhárs and village servants is not such as might lead to their abetting or encouraging trespass in order to make something out of the pound fees. Much of the impounding is alleged as it is to be due to the wilful neglect of the Pátils and Kulkarnis to warn the people to take out passes and see that they are sent with the cattle into the forests, for fear of reducing their own share of the pound proceeds. But this difficulty might possibly be got over by giving the Pátil and Kulkarni a small percentage on the grazing fees, and a small payment

for the fee-passes where the system of management adopted involves the issue of such documents. The possibility of reducing establishments by spending a little money on hedging or fencing the chief points of access to closed tracts, should also be borne in mind. One man, with a little hedging to assist him where it is most needed, could do more than half-a-dozen without, and the annoyance of constant impounding would be lessened.

(8). The following extracts from a note prepared by Mr. Ribbentrop, Inspector-General of Forests to the Government of India, are quoted as suggesting points which may usefully be considered in dealing with the question of classification and management, without, however, regarding them as an accurate or authoritative expression of the views of Government:—

"11. * * In my opinion, each reserve should be studied separately, and the decision should, in each case, be based on the following considerations:—

(*a*) physical (including climatic);
(*b*) economic and agricultural;
(*c*) financial;
(*d*) political.

"12. The first (*a*) need be taken account of only when the area in question is of considerable extent, or occupies slopes the denudation of which would endanger lands lying below, or affects works of public utility, such as roads, railways, or tanks. In such cases these considerations may be of great importance, and an area selected for these reasons should be thoroughly protected, as little or no physical effect can be expected to be derived from an open scrub jungle. The area would, therefore, naturally be classed as forest.

"I have seen during my short tour several forests which I would unreservedly place for the above reasons in the category of forest proper, though I would recommend in such cases a treatment varying in strictness. A gradual and periodical closing would be advisable of the areas more favourably situated for the production of tree-growth. I would close others entirely, not merely to grazing but against grass-cutting as well, and for an indefinite period. As an example of a case where a radical course of the kind would be desirable I may cite the forest block south of the Phursangi Railway Station, on the Southern Marátha Railway and to the west of the line, but there are, I dare say, many other blocks of equal importance. The reserve in question occupies a steep slope which overhangs the railway for a considerable distance, and the drainage of which flows into the Nira Valley. A more unpromising area could hardly be found, but for this very reason its strictest protection is the more necessary. To insure the success of fire protection, a trace should be burned above the railway line; and in order to make closure against grazing more effectual, the most exposed boundaries should, I think, be fenced with barbed wire. I am of opinion that it would be of advantage if every Deccan forest division were furnished with 5 to 10 miles of barbed wire-fencing, to assist in the protection of areas closed entirely or periodically against cattle trespass, the prevention of which throws at present a great strain and much undeserved *onus* on the Forest Department.

"13. Considerations mentioned under (*b*) would, in most instances, show whether an area should be classed as a fuel and fodder reserve, or as pasture land. Thus, small scattered blocks of less than half a square mile in extent,

for instance, cannot possibly be of any special value as pasture-grounds, but may be of great importance as fodder-reserves, especially if favourably situated. The economic value of timber and fuel in a district particularly in want of these commodities, may also often decide whether an area is to be primarily maintained for the supply of such produce. For instance, an affirmative decision of the kind seems decidedly advisable as regards the valuable bábul reserves on the Bhima and other rivers.

"14. The reason given under (*c*) may frequently decide the question as regards area where other conditions are more or less equally balanced, as in the case of small bábul forests which, though of no importance for climatic reasons, may bring in a considerable revenue per acre. Considerations of the same kind might show that some of the very small isolated reserves should be entirely abandoned, in cases where expenditure on protection and treatment is equal to or exceeds the revenue, and where none of the other reasons demand the maintenance of such small forests.

"15. Political reasons (*d*) may in some cases outweigh all others in favour of some particular treatment and classification; but, in my opinion, undue weight should not be given to the existence of old habits and customs, which frequently change rapidly under the pressure of circumstances.

"16. If an area has been classed as forest proper, the aim should be to establish a complete leaf-canopy as soon as possible. In extreme cases all grazing should be excluded, and the whole or at least a considerable portion of the forest should be closed even to grass-cutting. Under any circumstances, grazing and grass-cutting should be so regulated that at least one-fourth to one-third of the area should be closed for a period of years, which should certainly not be less than ten.

"As a rough sketch for a plan of working the Deccan hill reserves, such as those which I have seen during my recent tour, I venture to submit the following proposals for consideration: that one-third of each block be closed both to grazing and grass-cutting; that this closed area be divided into ten compartments; that at the end of ten years one compartment should be thrown open (but not during the rains) to grazing or grass-cutting, as the case may be; and that a closed compartment of about the same area be added from the unclosed block, and so on. Thus forty years will have elapsed from the first closure until the compartment first opened is closed again, and by that time it will probably be possible to accompany the second closure by a slight improvement-felling.

"17. When an area has been classed as a fuel and fodder reserve, it should be closed against regular grazing, though even under a good system of management it may be thrown open to grazing from time to time, especially in years of scarcity after the grass crop has been reaped. To throw it open annually to cattle would tend to exhaust it; for when fodder is reaped, the grass is never very closely cut, and a considerable portion of what is left serves as manure for the next year's crop. Moreover, the cattle, if admitted annually, would attack the edible bushes, and the aim that the area should furnish a reserve of fodder in years of scarcity would be defeated.

"Grass-cutting in fuel and fodder reserves should be carried on with caution and under strict rules, so as to ensure the safety of ligneous growth. In this connection, I may mention that during my visit to the Bámburde reserved forests, I observed that the Commissariat contractor had used a mowing machine, the course of which was marked by stumps of young trees and plants, and that

in other places, also unsuited to the use of the machine, the tree-growth had been treated in a ruthless manner. This is highly objectionable; and though it may be advisable to place forest resources at the disposal of the Military Department, without showing the true financial aspect of the question, such a careless and destructive gathering of produce should not, I venture to think, be permitted.

"18. As regards the treatment of pastures, I have already recorded my opinion that the aim should be to grow annually as much and as good fodder as possible, and in order to effect this it is indispensable that both the number of cattle admitted and the season of grazing should be limited. This may not be the popular course to take, but it is common sense; and the system by which the largest amount of fodder can be produced should, as a rule, be adopted in spite of popular opposition. The question is one which increases in importance in proportion as the country is dependent on these sources of supply.

* * * * * * *

"22. In conclusion, I venture to suggest the establishment of one or more teak forests below the ghâts, to be treated for the growth of large timber. For this purpose areas of not less than 5,000 acres in extent should be selected and set apart from the existing forests. They should be carefully fire-protected, and closed against grazing and grass-cutting of every description, and should from the outset be treated with the view of establishing high timber forests of teak. If the areas are carefully selected as regards soil, position and parent trees, I doubt whether it will be necessary to have recourse to artificial cultivation on a large scale, though it will of course be advisable to assist natural reproduction by clearing away brushwood, lightly breaking up the soil, and by dibbling in seed in prepared patches, or even to a certain extent by planting.

"It may also be advisable to procure every year, from Burma or Kánara, teak seed from full-grown and healthy seed-bearers; but on the whole, I think we may trust to natural reproduction, for it is a historical fact that some of the Malabár forests at one time contained the finest teak in the world."

(G. R. No. 6702, dated 15th September 1893.)

61. The work of demarcation is of primary importance—not more in the interest of the Forest Department than to protect the cultivators from the oppression and hardship they must necessarily be subjected to if the restrictions essential to forest conservancy are not limited to well-defined areas.

After selections of the numbers that are suitable for forest purposes have been made and final sanction accorded, the blocks are to be entered in the maps and recorded in the registers, copies of which should be kept in the offices of the Collectors and the Conservators.

(G. R. No. 3756, dated 6th August 1870.)

62. In all cases where land has been left for cultivation on the top of a hill, the slopes of which are reserved for forest, care should be taken to preserve right of way through the reserves for cultivators proceeding to their fields. (G. R. No. 1940, dated 26th March 1877.)

63. Surveys for the purpose of demarcating forests merely need not necessarily be made under the provisions of Chapters VIII to X of the Land

Revenue Code. Section 8 of the Indian Forest Act, 1878, empowers a Forest Settlement Officer 'to enter, by himself or any officer authorized by him for the purpose, upon any land and to survey, demarcate and make a map of the same'; and this appears to be quite sufficient for all the purposes of the Forest Act. Such survey and demarcation can, however, only take place after a notification declaring that it is proposed to constitute a reserved forest has been issued under Section 4 of the Forest Act. In such notification it is 'sufficient to describe the limits of the forest by roads, rivers, ridges or other well-known or readily intelligible boundaries' (*vide* explanation 1 to Section 4). In the notification finally declaring a forest reserved, to be issued under Section 19, the limits must be specified 'definitely, according to boundary-marks erected or otherwise.' (L. R. No. 358, dated 17th March 1883; *vide* G. R. No. 2813, dated 9th April 1883.)

64. It should be accepted as an instruction to Forest Settlement Officers that looking to the numerical weakness of the forest establishments in proportion to the areas under their charge, large additions to the forest area should be avoided, and new proposals should be strictly limited to what is absolutely necessary to complete the forest blocks. (G. R. No. 8400, dated 16th October 1885.)

65. To throw up river bank forest to attain symmetry of boundary or to provide a small additional area of land for cultivation is in the opinion of Government a mistaken policy. The splitting up of survey numbers should be most carefully avoided, except in cases where owing to the very large size of the number or any other very special cause such a course is found to be absolutely necessary. Resort should certainly not be had to it merely to secure straight and even boundary lines. (G. R. No. 641, dated 24th January 1889.)

66. When any demarcation has been finally sanctioned by Government, the Demarcation Officer should forward to the Revenue Survey Department through the Conservator of Forests the copy of the village map or maps on which he has laid down the boundaries of the land included in the forest reserves showing by a distinguishing colour whether the reserve is of the first or second class; and in cases where both classes of reserves may be represented on the same map, indicating the limits of each by their respective colours. The position of the forest boundary marks should also be entered in the map.

The map should be accompanied with a statement showing in a tabular form the survey numbers, areas, and assessment of such lands as have been included in the reserves.

On receipt of these papers, the Superintendent of Survey will make the necessary correction in the survey records, returning the demarcation map to the Conservator.

The Superintendent should, at the same time, furnish the Conservator with two fresh copies of the village map with the forest boundaries shown thereon.

The Superintendent should make the reduction of assessment appertaining to the lands taken up for the reserve, reporting the amount to the Commissioner in view to his issuing orders for its being deducted from the village accounts. (G. R. No. 7270, dated 11th December 1876.)

67. The *entire* record of a Forest Settlement and Demarcation Office, including original maps, proceedings, &c., should on the completion of the work be made over to the Collector and remain in his record-room. Copies of such of the maps and documents as the Commissioners consider are likely to prove useful to Forest and Revenue Officers, should be supplied to them.

The Commissioners can give the Collectors such general instructions as they think necessary under the above orders.

(G. Rs. Nos. 1265, dated 13th February 1891, and 2165, dated 24th March 1891.)

68. When the forest settlement of a táluka is completed, the list of lands to be excluded from forest limits should be carefully examined and all such lands should be at once taken over by the Revenue Department. (G. R. No. 5030, dated 16th June 1892.)